

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Demetrius McDonald,)	C/A No. 5:12-1725-RBH-KDW
)	
Plaintiff,)	
)	
vs.)	
)	Report and Recommendation
Marlboro County, <i>doing business as</i>)	
Marlboro County Detention Center,)	
)	
Defendant.)	

Plaintiff, appearing through counsel, brought this action in the Court of Common Pleas for the Fourth Judicial Circuit of South Carolina, alleging a cause of action pursuant to 42 U.S.C. § 1983, *inter alia*. Defendant removed the action to this court on June 22, 2012. ECF No. 1. On April 25, 2013, Defendant filed a Motion for Summary Judgment, ECF No. 36, and Plaintiff's response to Defendant's Motion was due no later than May 13, 2013. *See* Loc. Civ. R. 7.06, *see also* ECF No. 36. Plaintiff did not respond.

On May 16, 2013, the court ordered Plaintiff to advise the court by May 30, 2013 whether he wished to continue with the case. ECF No. 38. Plaintiff was specifically advised that if he failed to respond adequately that the undersigned would recommend that his action be dismissed with prejudice for failure to prosecute. Notwithstanding the specific warning and instructions set forth in the court's order, Plaintiff failed to respond to the motion. As such, it appears to the court that Plaintiff does not oppose Defendant's motion and wishes to abandon his action. Based on the foregoing, the undersigned recommends that this action against Defendant be dismissed with prejudice for failure to prosecute, thereby ending this matter. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

May 31, 2013
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style with a large initial 'K' and a distinct 'D'.

Kaymani D. West
United States Magistrate Judge